

## **REMARKS**

Claims 20 – 40 are now pending in the application. Claim 20 – 40 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **DOUBLE PATENTING**

Claims 23 – 31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 6, 8 – 10, and 12 – 15 respectively of U.S. Patent No. 6,648,105 (Lang). Applicants will submit a terminal disclaimer once the other claims of this application have been found otherwise allowable.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 25, 27 – 31 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,588,335 (Strait). Claims 20, 22, 23, 25, 27 – 32, 34, 35 and 37 – 40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,092,617 (White).

At the outset, Applicants note that claims 20, 23, 25, 28, 30, 32, 35, 37 and 39 have been amended to recite providing only a single audible indication.

In the most recent Office Action, the Examiner indicates that "it is the examiner's position that it is possible to depress the brake pedal of both Strait and White such that only a single latch is engaged, thus, providing a single

audible indication. Further, applicant does not claim wherein "only" a single audible indication is permitted".

Applicants respectfully submit that the prior art of record fails to teach or suggest a brake pedal locking mechanism providing only a single audible indication. Strait at best discloses a parking brake control device 10. The parking brake control device 10 includes a transfer lever 22 pivotally mounted on the frame 14 by a pivot pin 20 (FIG 1). The transfer lever 22 has a sector gear 24 at one end and a cable 26 pivotally attached to the opposite end by a clevis 28. The parking brake configuration of Strait provides ratcheting gears operable to provide multiple audible indications during use. More specifically, a sector ratchet 46 includes teeth selectively engaged with a tooth 54 provided on a lock pawl 48 upon pivotal movement of operator lever 18. As a result, an audible signal is emitted with each progression of the tooth 54 along the series of teeth on the sector ratchet 46.

White at best discloses a vehicle 4 having a foot pedal 24 and a brake pedal 74. A brake bellcrank 56 is mechanically linked by a front brake link arm 72 to the brake pedal 74 that may be selectively operated to stop the vehicle 4. When the operator pushes down on the brake pedal 74, the brake bellcrank 56 is rotated in a direction that would reset an accelerator linkage 28 and an input lever 20 on a speed changing system 18 to neutral. The front arm of the brake bellcrank 56 is provided with a plurality of sawteeth 64. When the brake pedal 74 is depressed to actuate the vehicle's brakes and place the brake bellcrank 56 in the position shown in FIG. 2, the sawteeth 64 are then in position to cooperate

with a lower locking edge 66 on a parking brake 68. The parking brake 68 can then be set such that its locking edge 66 is engaged with one of the sawteeth 64. In this way, an audible signal is emitted with each progression of the sawteeth 64 along the locking edge 66.

As a result, Applicants respectfully assert that claims 20, 22, 23, 25, 27 – 32, 34, 35 and 37 – 40 are in condition for allowance.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strait. Claims 21, 24, 26, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strait or White in view of U.S. Pat. No. 4,310,064 (Kazarian). These rejections are respectfully traversed.

In view of the above discussion, Applicants respectfully assert that claims 20 and 23 are in condition for allowance. Likewise, dependent claims 21, 22, 24, 26, 33 and 36 are in condition for allowance.

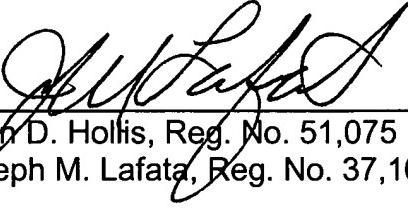
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is

respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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